

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALICE CARRINGTON,

Plaintiff,

-against-

JEANNETTE MOTA and CITY OF NEW YORK,

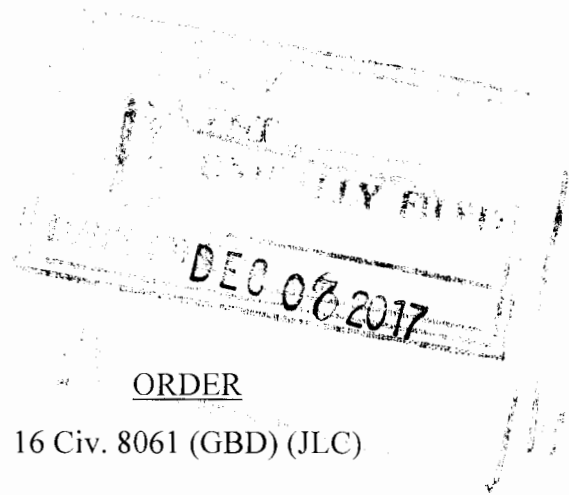
Defendants.
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GEORGE B. DANIELS, United States District Judge:

Pro se Plaintiff Alice Carrington brought this action alleging employment discrimination and retaliation on October 12, 2016 pursuant to Title VII of the Civil Rights Act of 1964 (“Title VII”) against Defendants Jeannette Mota and the City of New York. (Compl., ECF No. 2.) On December 12, 2016 this matter was referred to Magistrate Judge Cott. (ECF No. 8.) Defendants moved to dismiss the Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim. (Mot. to Dismiss, ECF No. 16.) Plaintiff did not file a response to the motion. Before this Court is Magistrate Judge Cott’s August 31, 2017 Report and Recommendation (“Report,” ECF No. 37), recommending that Defendants’ motion to dismiss be granted but that Plaintiff be given permission to amend her complaint within 30 days of an order adopting the Report. (*See* Report at 1.)¹ This Court adopts the Report in its entirety.

This Court may accept, reject, or modify, in whole or in part, the findings set forth in the Report. 28 U.S.C. § 636(b)(1)(C). When no party files objections to a report, the Court may adopt

¹ The relevant procedural and factual background is set forth in greater detail in the Report, and is incorporated herein.



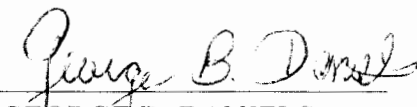
the report if “there is no clear error on the face of the record.” *Adee Motor Cars, LLC v. Amato*, 388 F. Supp. 2d 250, 253 (S.D.N.Y. 2005) (quoting *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)); *Wilds v. United Parcel Service, Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (“To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.”) (internal citations and quotation marks omitted). Magistrate Judge Cott advised the parties that failure to file timely objections to the Report would constitute a waiver of those objections on appeal. (Report at 37); *see also* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b). No objections to the Report have been filed. The Report contains no clear error of law.

Plaintiff has not alleged that she suffered an adverse employment action motivated by discriminatory intent or a retaliatory motive. Additionally, Plaintiff’s factual allegations do not create a plausible inference that she has been subject to a hostile work environment. For the reasons stated in Magistrate Judge Cott’s Report, Defendants’ motion to dismiss is GRANTED. Plaintiff may amend her complaint within 30 days of this Order, if amendment would not be futile, to cure the deficiencies identified in the Report.²

The Clerk of Court is directed to close the motion at ECF No. 16.

Dated: New York, New York
December 7, 2017

SO ORDERED.



GEORGE B. DANIELS
United States District Judge

² Plaintiff should file any amended complaint with numbered paragraphs. (*See* Report at 35.)